

REMARKS

Applicants have amended claims 1, 14, 25, 33 and 43, and has not cancelled any claims. Thus, Applicants submit that claims 1, 7, 11 to 14, 19 to 21, 25 to 27, 29, 33, 34, 37, and 41 to 44 remain pending in this patent application. Applicants now address each and every point raised by the Examiner in the above-identified Office action as follows:

1. Claim Rejections – 35 U.S.C. § 103 – Claims 1, 7, 11, 12, 14, and 19-21

Claims 1, 7, 11, 12, 14, and 19-21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent No. 05-156301 (“JP‘301”) as evidenced by U.S. Patent No. 5,934,542 to Nakamura et al. (“US‘542”) and in view of Japanese Patent No.10-284547 (“JP‘547”).

Applicants have studied the Examiner’s response to the argument presented in Applicants Amendment of February 22, 2010, summarized on page 9 in the Office action. In response thereto, Applicants have amended independent claims 1 and 14 to change the term “comprising” as used to define the cermet material to “consisting of”. In view thereof, Applicants submit that the cermet material as recited in these claims include only the first and second phase, which are each respectively made up of WC (in the first phase), and a blend of iron with Co, Ni, C and Mn (in the second phase). There are no other phases or other materials within the phase possible.

In view thereof, Applicants hereby renew its arguments presented in its response of February 22, 2010, with respect to this same rejection, that its cermet material as recited in these independent claims are not obvious or unpatentable over the combination of noted references because such combination fails to suggest or motivate one skilled in the art to prepare such a cermet material made up of only these limited phases and/or materials.

Applicants, therefore, respectfully request that the rejection of independent claims 1 and 14, and the relevant claims depending therefrom, under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

2. Claim Rejections – 35 U.S.C. § 103 – Claims 13, 25-27, 29, 33, 34, 37, and 41-44

Claims 13, 25-27, 29, 33, 34, 37, and 41-44 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2006/0222853 (“PG‘853”) in view of JP‘301 as evidenced by US‘542 and in view of JP‘547.

Applicants have studied the Examiner’s response to the argument presented in Applicants Amendment of February 22, 2010, as summarized on pages 9 and 10 in the Office action. In response thereto, Applicants have amended independent claims 25, 33 and 43 to change the term “comprising” as used to define the cermet material to “consisting of”. In view thereof, Applicants submit that the cermet material as recited in these claims include only the first and second phase, which are each respectively made up of WC (in the first phase), and a blend of iron with Co, Ni, C and Mn (in the second phase). There are no other phases or other materials within the phase possible.

In view thereof, Applicants hereby renew its arguments presented in its response of February 22, 2010, with respect to this same rejection, that its cermet material as recited in these independent claims are not obvious or unpatentable over the combination of noted references because such combination fails to suggest or motivate one skilled in the art to prepare such a cermet material made up of only these limited phases and/or materials.

Applicants, therefore, respectfully request that the rejection of independent claims 25, 33 and 43, and the relevant claims depending therefrom, under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

3. Conclusion

For the reasons presented above, Applicants respectfully request that the rejection of the claims under 35 U.S.C. § 103 be reconsidered and withdrawn, and that the claims pending in this patent application be passed to allowance.

If after considering this response should the Examiner conclude that this patent application is not in proper condition for allowance, Applicants respectfully request that the Examiner contact its below-identified patent attorney to discuss the same.

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. The Commissioner is authorized to charge any underpayment of fees, and to credit any overpayment of fees due, including extension of time fees, to Deposit Account No. 50-3683.

Respectfully submitted,

Dated: July 22, 2010

CUSTOMER NUMBER

58688

/Grant T. Langton/
Grant T. Langton
Registration No. 39,739
CONNOLLY BOVE LODGE & HUTZ LLP
P.O. Box 2207
Wilmington, DE 19899
patent@cblh.com
(213) 787-2500
(213) 687-0498 (Fax)
Attorney for Applicants